

No. R-118. Joint resolution urging Congress and the United States Departments of Labor and of Homeland Security to authorize H-2A visas for 12-month agricultural workers.

(J.R.H.14)

Offered by: Representatives Howrigan of Fairfield, Aswad of Burlington, Bissonnette of Winooski, Bouchard of Colchester, Burke of Brattleboro, Cheney of Norwich and Peltz of Woodbury

Whereas, pursuant to the Immigration and Nationality Act, the federal government permits the lawful entry, under the H-2A visa program, of individuals for seasonal employment purposes, including those in the agricultural sector, and

Whereas, the law places multiple requirements on agricultural employers to give priority to, and protect, current and potential United States employees before turning to the H-2A visa program, and

Whereas, before an agricultural employer may hire a temporary foreign worker, the employer must certify there are insufficient United States workers to perform the work; certify that the employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed United States workers; and demonstrate the need for a specific number of foreign workers, and

Whereas, as a further protection for United States workers, they may not be laid off within 60 days of H-2A workers starting an agricultural job unless the United States workers were first offered and rejected the agricultural employment for which H-2A workers are to be hired, and

Whereas, a layoff of United States workers employed along with H-2A workers on the same agricultural job may only occur if all of the H-2A workers are laid off first, and the employer's rejection of United States workers must be based on lawful job-related reasons, and

Whereas, even with all of these preferences afforded United States workers, Vermont agricultural employers must annually depend on the H-2A program to hire a sufficient number of employees to harvest their crops, and

Whereas, the labor pool of qualified and available United States agricultural employees has now dwindled so extensively that Vermont agricultural employers are in extreme need of H-2A workers on a year-round basis in order to operate successfully their farms, orchards, and other agricultural enterprises, and

Whereas, in order for H-2A workers to be available for renewable 12-month terms of employment, provisions of the Immigration and Nationality Act and the implementing regulations of the United States Department of Labor and the United States Department of Homeland Security, setting forth the specifics of the program, would require revision, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress and the United States Departments of Labor and of Homeland Security to authorize H-2A visas for 12-month agricultural workers, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to United States Secretary of Homeland Security Janet Napolitano, to United States Secretary of Labor Hilda Solis, and to the Vermont Congressional Delegation.